

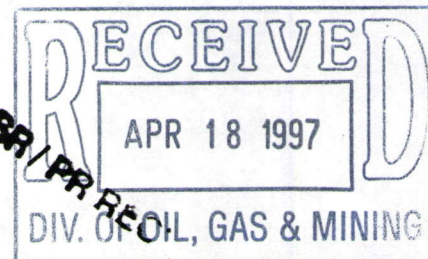
To: Tony Gallegos, DOGM  
From: Neil A. Simmons

M/015/072



United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
LINCOLN PLAZA  
145 EAST 1300 SOUTH, SUITE 404  
SALT LAKE CITY, UTAH 84115



In Reply Refer To

(CO/KS/NE/UT:6-UT-97-F-008)

April 9, 1997

Memorandum

To: Area Manager, Bureau of Land Management, Price, Utah

From: Utah Field Supervisor, Utah Field Office, U.S. Fish and Wildlife Service, Salt Lake City, Utah

Subject: Biological Opinion for the Western Clay Company Hebe Gypsum Quarry

In accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and the Interagency Cooperation regulations (50 CFR 402), this transmits the Fish and Wildlife Service's (Service) final biological opinion for impacts to federally listed endangered species for Western Clay Company's Hebe Gypsum Quarry. This opinion is provided to you as the lead Federal Agency regarding section 7 consultation on the project covered under this consultation. Copies of this opinion should be provided to the applicant because the Service has incorporated conservation recommendations that should be included as conditions of any permits issued by the Bureau of Land Management (Bureau) for this project.

Reference is made to your memorandum requesting initiation of formal section 7 consultation for the subject project and attached Biological Assessment describing the proposed action and the affected environment. The Service concurs with your "may affect" determination for the endangered plant species *Sclerocactus wrightiae* (Wright fishhook cactus).

BIOLOGICAL OPINION

Based upon the best scientific and commercial information that is currently available, it is the Service's biological opinion that the proposed project as described below, is not likely to jeopardize the continued existence of the plant species *Sclerocactus wrightiae*. The Service provides additional conservation recommendations for the species which we request be included in the Bureau's project development environmental mitigation stipulations.

PROJECT DESCRIPTION

Western Clay Company proposes to expand an existing 4.9 acre gypsum quarry to 81.5 acres to develop known gypsum resources in the Hebe Mountain area. This quarry is approximately 8.5 miles south of Interstate Highway 70 and one mile west of Muddy Creek in Emery County, Utah.



Access to the quarry is provided by Interstate Highway 70, and an existing Emery County road. Western Clay proposed to develop the quarry in stages over the expected eleven-year life of the project. Beginning in 1997, Western Clay proposes to reclaim 8 acres of the quarry area. Each year following, Western Clay will reclaim an additional eight acres until the year 2007 when they will reclaim the last 18 acres. Western Clay has divided the quarry into six areas corresponding to separate pits to be quarried over the life of the project. Western Clay will stock pile the surface cryptogam soil from each of these areas before quarrying operations.

The Bureau's biological assessment identified the following conservation measures committed to by Western Clay for *Sclerocactus wrightiae*:

1. Western Clay will save the soil from an area of 1-meter radius and 5-centimeters deep around each *S. wrightiae* plant before the plant being disturbed. This soil harbors a significant *S. wrightiae* seed bed. In addition, this seed bed comprises seed in various degrees of stratification under natural conditions peculiar to that site. During the reclamation of each of the six quarry areas, Western Clay will use this soil as the upper most surface of the reclamation area. The soil seed bed will thus provide a portion of the seed source for the site's re-vegetation.
2. Western Clay will transplant 500 to 750 *S. Wrightiae* individuals. These plants will come from areas Western clay will open to gypsum quarrying in their next development phase to areas they will reclaim during the same time period. The Bureau anticipates a 30 percent transplant survival rate.

#### BASIS FOR BIOLOGICAL OPINION

*Sclerocactus wrightiae* is known from scattered populations primarily on Federal Lands managed by the Bureau and the National Park Service. These populations are found along the south and west margins of the San Rafael Swell and the northern portion of Capitol Reef National Park in Emery and Wayne Counties, Utah. *Sclerocactus wrightiae* has a total population estimated to be between 25,000 and 50,000 individuals.

The proposed project will take up to 1000 individuals of *Sclerocactus wrightiae*. This will affect about 2 to 4 percent of the species known population. The Bureau in consultation with both the Service and the project sponsor has designed the project to affect the minimum number of individuals and still allow for the development of the project. The Bureau will mitigate potential secondary impacts to avoid additional impact to *S. wrightiae* populations and habitat. The Service makes the following conservation recommendations to reclaim lost individuals and habitat, to lessen the impact of the project and to enhance the species habitat.

#### CONSERVATION RECOMMENDATIONS

The following are conservation recommendations the Service considers crucial in maintaining the population viability of *Sclerocactus wrightiae*.



1. Western Clay will harvest annually, at least 50 percent of all mature seed from *S. Wrightiae* plants on areas planned for future quarry operations within the project area. Western Clay will use this seed to augment site revegetation during the reclamation of closed quarry areas.
2. The Bureau will ensure that a qualified botanist, approved by the Service, supervises the revegetation of the project area. In addition, the Bureau will monitor the site for compliance with revegetation stipulations and success in re-establishing the native plant community.
3. The Bureau will ensure that the site revegetation will accurately reflect the current vegetative community in both species composition and structure.
4. In addition to *S. wrightiae*, Western Clay will use native species from sources in southwestern Emery County, Utah, in re-vegetating the project site.
5. The Bureau will ensure that no exotic species are used in site re-vegetation.
6. Western Clay will ensure that all vehicles associated with the quarry project will remain on existing roads and quarry site at all times.
7. The Bureau will sign all appropriate roads to advise motorists to remain on existing roads.

#### CONCLUSION

This concludes the Service's biological opinion on the impacts of the proposed projects. This opinion was based upon the information described herein. If new information becomes available, new species listed, or any other change which alters the operation of the projects from that which is described in your correspondence and which may affect any endangered or threatened species in a manner or to an extent not considered in this biological opinion (see 50 CFR 402.16), formal section 7 consultation should be reinitiated.

Thank you for your cooperation in the formulation of this biological opinion and your interest in conserving endangered species.

A handwritten signature in black ink, appearing to read "Robert M. [unclear]", is written over the bottom right portion of the page.